



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/288,229	04/08/1999	CHARLES T. FERGUSON	2479.1012000	7202

21005 7590 01/26/2005

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD, MA 01742-9133

EXAMINER

GESESSE, TILAHUN

ART UNIT PAPER NUMBER

2684

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

WJH

Office Action Summary	Application No.		Applicant(s)	
	09/288,229		FERGUSON ET AL.	
	Examiner		Art Unit	
	Tilahun B Gesesse		2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 13-35 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-12 is/are allowed.
- 6) ☒ Claim(s) 1-5,36-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to applicant's amendment and remarks filed July 12, 2004, in which claims 1-12,36-49 are pending.

Claim Objections

2. Claims 1-5,49 is objected to because of the following informalities: In claim 1, line 10 "uses" after the word transceiver. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 36-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (6,438,1 19) "Kim" in view of Jawanda (6,243,581).

As to claims 36,38 Kim disclose a method for accessing data from a network via a wireless communication link (fig.4), the method comprising the steps of: at a subscriber transceiver (MS) in an idle mode (hold state) when no channels are allocated for sending payload data (DMCH) request (DSCH) (413), the payload data intended to be transmitted over the wireless communication link (column 10 lines 4-1 1 and fig.4). Kim also discloses in response to detecting a presence of the payload data "message" (see fig.2B), requesting use of a first traffic channel by sending a traffic channel allocation request message (41 1 of fig.4), the first traffic channel including traffic

Art Unit: 2684

channels that the subscriber transceiver uses to transmit the payload data over the wireless communication link to a base station transceiver (column 10, lines 29-41 and fig.4) and transmitting the payload data over the first set of traffic channels to the base station transceiver active state supplemental channel release response -DMCH (425) (column 10, lines 30-41 and figure 4). Kim does not expressly disclose the mobile station interfaces a computer device. However, Jawanda, with similar field of endeavor, discloses a mobile terminal that interfaces with network and establishes a communication by requesting a connection with base station (30) (col. 4 lines 31-60 and figures 1 and 4). Since, Kim requests traffic channel in order to transmit payload data to base station, therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Kim introducing a computer, as taught by Jawanda, in order to solve efficiently manage bandwidth of the network as taught by Jawanda.

As to claim 37, Kim discloses the payload data is transmitted via code division multiple Access modulated radio signals (column 2 lines 48-61). As to claim 39 Kim discloses transmitting a message to release the first set of traffic channels after the payload data is transmitted (figure 4, the MS release supplemental channel request then the BS releases the payload).

As to claims 40-43, Kim discloses low-bandwidth timing signals are transmitted from the subscriber transceiver to the target transceiver when the subscriber transceiver is in the idle mode (the control channels are considered as low-bandwidth timing signals as shown by figure 4).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 44-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al "Kim".

As to claim 44, Kim discloses a method supporting communication of information over a wireless link, tfig.4) transmitting a data payload over the wireless link from a subscriber transceiver to a base station transceiver using assigned traffic channels (423, supplemental channels release requested) (column 10, lines 30-38 and figure 4) at the subscriber transceiver, detecting that the data payloads has been transmitted to the base station transceiver (upon detecting data payload the mobile station switch from hold state to active state, column 10, lines 19-27), and transmitting a message from the subscriber transceiver to the base station transceiver indicating a request that previously assigned. traffic channels be de-allocated (column 10, lines 60-68, ack. message is transmitted by mobile station to base station, for the base station) .

As to claim 45, Kim discloses a release of traffic channels results in a subscriber transceiver being placed in an idle mode in which no traffic channels are assigned for

use (in hold state requested supplemental channel (413) and supplemental channel release request (423)"traffic" subsequently the base station release supplemental channel which includes payload data and figure 4).

As to claim 46, Kim discloses at the subscriber transceiver, detecting that the data payload is transmitted to the base station transceiver (supplemental channel release response (425) (figure 4) and from the subscriber transceiver, sending a request to release previously assigned traffic channels (423) (see figure 4).

As to claim 47, Kim discloses in response to request to release previously assigned traffic channels, transmitting a message from the base station transceiver to the subscriber transceiver that traffic channels are being de-allocated for use (mobile station and base station exchange acknowledge signal to base station, column 10, 60-68).

As to claim 48, Kim discloses all the Limitations as explained in the method claim 44, and further more, Kim discloses means (51 1) for storing at least pad of a data payload at a subscriber transceiver for transmission over the wireless link to a base station transceiver when no traffic channels are assigned for use (column 11, lines 11-25).

Response to Arguments

The rejection as to 112 1st paragraph has been withdrawn. And the rejection under 35 USC 103 to claims 1-12, has been also withdrawn.

Applicant's arguments filed 7/12/04 have been fully considered but they are not persuasive.

On page 10, paragraph second and third of applicant's response, applicant argued that Kim and Jawanda do not teach assigning plurality of channels and sending payload over a first traffic channel.

The examiner disagrees. Kim clearly teaches that a number of channel control (synch or paging channels during on hold state) before transmitting traffic channel or turn to active state as evidenced by figures 1 and 4). Further more, Kim teaches The CDMA mobile communication system may have an idle mode, a voice mode (or voice traffic channel utilization mode), a packet reservation mode (or packet traffic channel utilization mode) and a combined mode of the above-mentioned modes according to the service states. The dedicated control channel is preferentially used for a call providing a service for the packet reservation mode (i.e., a service using the packet traffic channel) among the above-mentioned modes. For this case, the dedicated control channel is allocated to the mobile stations using the packet data service. As an alternative, however, the dedicated control channel may be used together with the voice traffic channel for high quality voice service. In this scenario, the dedicated control channel can be shared by several mobile stations, instead of being exclusively used by a particular mobile station (column , lines 20-35).

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Allowable Subject Matter

Claims 1-5,49 would be allowable if rewritten or amended to overcome the rejection(s) objection, set forth in this Office action.

Claims 6-12 are allowed. The following is an examiner's statement of reasons for allowance: the prior art does not teach the feature of transmitting a first portion of the payload data over a first traffic channel to the base station transceiver and transmitting a second portion of the payload data over a second traffic channel to the base station transceiver.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 2684


TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tilahun Gesesse
Primary Examiner
US Patent and Trademark Office
Tel. 703-308-5873
January 15, 2005


TILAHUN GESESSE
PRIMARY EXAMINER